

## Message Text

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ORIGIN L-03

INFO OCT-01 ADP-00 /004 R

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DRAFTED BY: L/ OA: HDCAMITTA

APPROVED BY: L/ OA: HDCAMITTA

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R 301646 Z MAR 73

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA

AMEMBASSY CANBERRA

AMEMBASSY MADRID

AMEMBASSY TOKYO

UNCLAS STATE 058896

FOLL SENT ACTION SECSTATE FROM USUN 29 MAR 73 REPEATED TO YOU QUOTE

UNCLAS USUN 1092

E. O. 11652: N/ A

TAGS: PBOR, UN

SUBJ: LOS: WORKING GROUP 2 OF SUBCOMMITTEE III, 11 TH

MEETING, 27 MARCH

1. CONTINUED DISCUSSION OF GLOBAL AND REGIONAL COOPERATION  
( ITEM 4 OF COMPARATIVE TABLE).

2. SPAIN ENVISAGED THREE TYPES OF ARTICLES ON SUBJECT,  
8. E. ( I) COOPERATION IN ADOPTING INTERNATIONAL NORMS AND  
PRINCIPLES ( FAVOR AUSTRALIAN PRINCIPLES ( B) AND ( C),  
( II) COOPERATION OF STATES TO CONTROL MARINE POLLUTION  
WHICH HAS TAKEN PLACE ( FAVOR CANADIAN ART. IX AND USSR  
ART.5), ( III) COOPERATION IN RESEACH RELATED TO POL-  
)7589, ( USSR ART . 4 (1)). KENYA AGREED WITH SPANISH  
SUGGESTION.

3. AUSTRALIA AND CANADA WERE PREPARED TO USE TERM  
QTE SHALL, UNQTE RATHER THAN QTE SHOULD UNQTE IN  
REFERRING TO STATE COOPERATION.

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RM CANADA EXPLAINED ART. IX ( MINIMIZATION), WHICH IT DESCRIBED AS DEALING WITH PRACTICAL MEASURES SHORT OF INTERVENTION ( WHICH IS DEALT WITH IN ANOTHER ARTICLE).

0-8, -, \$ \*4-,:3 700945 -458:)3 -, \$ \$9 ,95 2-,5 :9,:305

9\* 5-53 43 09, 8?8)856 ?497&#5 70 8, 5#-5 43&-4\$.

5. MALTA AND US REMARKED ON INCLUDING COOPERATION WITH INTERNATIONAL INSTRUCTIONS AND NOT JUST WITH STATES.

6. US DEL NOTED THAT REGIONAL ARRANGEMENTS MENTIONED BY SEVERAL STATES ( ESPECIALLY DUTCH AND FRENCH) COULD NOT BE BINDING ON NON- PARTIES TO ARRANGEMENTS, ALTHOUGH NON- PARTIES E AGREED WITH US BUT WOULD NOT NOW GIVE INTERNATIONAL AUTHORITY POWER TO LEGISLATE WITHIN NATIONAL JURISDICTION. RE: SHIP POLLUTION, IMCO IS THE LOGICAL LEAD AGENCY. HOWEVER, GROUND RULES OF IMCO ( TO DATE) ARE INADEQUATE BECAUSE THEY GENERALLY ENSURE COMMERCIAL INTERESTS OVERRIDE ENVIRONMENTAL CONCERNS. UNDER LOS UMBRELLA TREATY IMCO ROLE WILL BECOME MORE ACTIVE AND CONSTRUCTIVE. HE EXPRESSED CONCERN THAT SPECIAL CIRCUMSTANCES NOT COVERED IN IMCO TREATIES AND THE INTERNATIONAL COMMUNITY CANNOT ACT EXPEDITIOUSLY ( IMCO IS NOT A LAW- MAKING BODY AS SUCH). THEREFORE, THEIR PROPOSAL PERMITS COASTAL STATE TO ACT WHEN NECESSARY, WHICH RIGHT IS BALANCED WITH INTERNATIONAL INTERESTS.

8. U. S. DEL RESPONDED THAT IF STATES ARE DISSATISFIED WITH IMCO, THEY CAN PARTICIPATE IN 1973 IMCO CONFERENCE AND DO SOMETHING INTERNATIONALLY.

THE PROBLEM OF COASTAL STATE STANDARDS IS THAT UNDER INTERNATIONAL LAW, ONE STATE CANNOT DISPOSE OF ANOTHER'S INTERESTS IN A VITAL WAY. IF CANADA IS INTERESTED IN EXPEDITIOUSNESS FOR COPING WITH POLLUTION, WITH RESPECT TO SEABED EXPLOITATION, ISRA OFFERS AN ANSWER.

9. AUSTRALIA CAUTIONED NOT TO ASSUME AN EITHER/ OR SITUATION. HOW FAR AND HOW QUICKLY CAN WE GO IN DEVELOPING AN INTERNATIONAL SYSTEM OF RULES? HE CONCLUDED THAT IT WOULD BE DIFFICULT TO GOVERN THE WHOLE WORLD UNDER ONE SYSTEM OF UNIVERSAL RULES. WE MUST CONSIDER COASTAL STATE MEASURES IN THE ABSENCE OF ADEQUATE INTERNATIONAL RULES. THAT DOES NOT IMPLY A TERRITORIAL SEA. THERE WOULD BE DISPUTE SETTLEMENT TO TEST THE " REASONABLENESS" OF THE COASTAL STATE MEASURES AGAINST THE INTERNATIONAL STANDARDS AVAILABLE. ( CANADA AGREED WITH AUSTRALIAN UNCLASSIFIED

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REMARKS).

10. JAPAN NOTED IMCO WORK DESERVES ATTENTION. EVEN  
THOUGH IMCO WORK NOT CONSIDERED ADEQUATE BY SOME, IT IS  
NO EXCUSE FOR UNILATERAL ACTION. HE REVIEWED PREPARA-  
TIONS FOR 1973 IMCO CONFERENCE. IT IS PREMATURE AND  
UNJUSTIFIED TO SAY IMCO IS INCAPABLE OF COPING WITH  
VESSEL POLLUTION. IMCO IS THE MOST APPROPRIATE ORGANI-  
ZATION TO DEAL WITH INTERNATIONAL REGULATIONS.

11. SPAIN NOTED IMCO IS NOT THE ONLY ORGANIZATION  
CONCERNED WITH POLLUTION. HE CITED IAEA AND HUMAN  
ENVIRONMENT SECRETARIAT. HE THOUGHT IMCO WAS A BIT  
ONE- SIDED.

SCHAUFEE UNQUOTE RUSH

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